

249/056

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Jonathan Rourke, et al.  
Serial No.: 09/664,970 Filed: September 18, 2000  
For: Apparatus for Delivering Endoluminal Prostheses and Methods of Making and Using Them

**MISSING PARTS**

Attorney(s): William A. English/sjh  
Docket No.: 249/056  
Date of Deposit: December 27, 2000



Enclosure(s): Missing Parts Transmittal (3 pgs); Formal Notice (1 pg);  
Declaration (2 pgs); Assignment/Recordal (4 pgs);  
Power of Attorney (2 pgs); postcard, certificate of mailing;



Patent  
Attorney Docket: 249/056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor: Jonathan Rourke, et al.

Serial No.: 09/664,970

Filed: September 18, 2000

For: Stent Delivery Sheath with Rounded  
Distal Tip

)  
) **Group Art Unit:** Not yet assigned

)  
) **Examiner:** Not yet assigned

TRANSMITTAL OF MISSING PARTS

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f)**, which was mailed by the Patent Office on November 14, 2000, enclosed are:

- ☒ Declaration
- ☒ Power of Attorney: ☒ Separate or ☐ Combined with Declaration
- ☒ Assignment of the invention to Endotex Interventional Systems, Inc. (together with PTO Form 1595)
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'First Class Mail To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 27, 2000  
Date of Deposit

  
Sally Hartwell



Patent  
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## II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$195.00	\$390.00
<input type="checkbox"/> three months	\$445.00	\$890.00
<input type="checkbox"/> four months	\$695.00	\$1,390.00
<input type="checkbox"/> five months	\$945.00	\$1,890.00

Fee

- ☒ If any extension fee is required, please consider this a petition therefor.

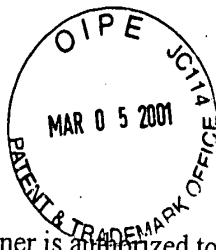
## III. FILING FEES

- ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:							\$710.00
Total Claims	36	-	20	=	16	x \$18.00	\$288.00
Independent Claims	3	-	3	=	0	x \$80.00	\$0.00
Multiple Dependent Claims	\$270	(if applicable)				<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)				<input checked="" type="checkbox"/>	\$130.00
TOTAL OF ABOVE CALCULATIONS							\$1,128.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.							<input checked="" type="checkbox"/> \$564.00
Extension of Time (from above)							\$0.00
Assignment -- \$40 (if applicable)							<input checked="" type="checkbox"/> 40.00
TOTAL FEES SUBMITTED HEREWITH							\$604.00

## IV. METHOD OF PAYMENT OF FEES:

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$604.00.



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☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: December 27, 2000

By: 

William A. English  
Reg. No. 42,515



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(949) 567-2300

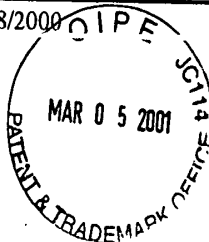


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/664,970	09/18/2000	Jonathan Rourke	249/056

22249  
LYON & LYON LLP  
SUITE 4700  
633 WEST FIFTH STREET  
LOS ANGELES, CA 90071-2066



## FORMALITIES LETTER



\*OC000000005554738\*

Date Mailed: 11/14/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$288.  
  - \$288 for 16 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1108.

*A copy of this notice MUST be returned with the reply.*

*OK T-6*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

ASSIGNMENT OF PATENT APPLICATION

*R.B.*

*RAINIER BETELIA*

WHEREAS, WE, ~~RAINIER BETELIA~~, a citizen of UNITED STATES, EDWARD GILLIS, a citizen of UNITED STATES, JONATHAN M. ROURKE, a citizen of UNITED STATES, and YI YANG, a citizen of UNITED STATES, (hereinafter referred to as "ASSIGNORS"), have invented and own a certain invention entitled Apparatus for Delivering Endoluminal Prostheses and Methods of Making and Using Same for which application for Letters Patent of the United States of America has been assigned Serial No. 09/664,970; and

WHEREAS, **ENDOTEX INTERVENTIONAL SYSTEMS, INC.**, a corporation organized and existing under and by virtue of the laws of the State of **California** and having its principal place of business at **10231 Bubb Road, Cupertino, California 95014** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue

said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at R.B. 12/12/20 Pin Betalia Cupertino,  
California, this 12 day of December, 2000.

Pin Betalia  
PINIER BETALIA  
PINIER BETELIA  
R.B.

WITNESS my hand at Cupertino,  
California, this 14 day of December, 2000.

Ed M. Gillis  
EDWARD GILLIS

WITNESS my hand at EndoTex at Cupertino,  
California, this 12 day of December, 2000

  
JONATHAN M. ROURKE

WITNESS my hand at CUPERTINO,  
California, this 12<sup>th</sup> day of DECEMBER, 2000.

  
YI YANG





**POWER OF ATTORNEY  
By Assignee**

**ENDOTEX INTERVENTIONAL SYSTEMS, INC.**, assignee(s) of the application for United States Letters Patent for an improvement in Apparatus for Delivering Endoluminal Prostheses and Methods of Making and Using Same by Danier Ratalia, Edward Gillis, Jonathan M. Rourke, and Yi Yang the specification of which is PATENT 13ETELIA

☐ filed herewith, or  
☒ filed September 18, 2000 having Serial No. 09/664,970.

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; and William A. English, Reg. No. 42,515.

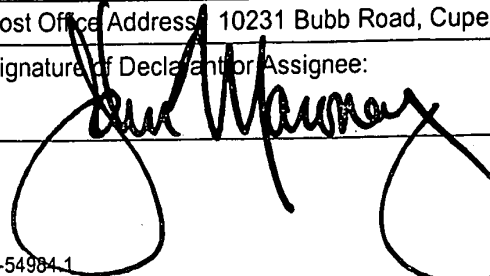
Send Correspondence to: <b>William A. English</b>	<b>LYON &amp; LYON LLP</b> <b>633 W Fifth St., Suite 4700</b> <b>Los Angeles, CA 90071-2066</b>	Direct Telephone calls to: <b>(949) 567-2300</b>
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I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title from the inventor(s) to the assignee(s) which

- ☒ is filed for recordation herewith; or  
☐ was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
☐ has been sent for recordation under separate cover, copy attached herewith.

The undersigned has reviewed all the documents in the chain of title of the patent applicant identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee: <b>ENDOTEX INTERVENTIONAL SYSTEMS, INC.</b>	
Post Office Address: <b>10231 Bubb Road, Cupertino, California 95014</b>	
Signature of Declarant or Assignee: 	Date: <b>12/12/00</b>

Full Name of Declarant	
If Other Than Assignee. JOHN MARONEY	
Title of Declarant	PRESIDENT
Address of Declarant	10231 BUBB ROAD, CUPERTINO, CALIFORNIA 95014

DECLARATION  
Utility Application



Lyon & Lyon LLP  
Docket Information  
249/056

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Apparatus for Delivering Endoluminal Prostheses and Methods of Making and Using Same** the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on September 18, 2000 as United States Application Serial No. 09/664,970 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name <u>R.B.</u> <del>Ronier</del> <u>Rainier</u>	MIDDLE Initial	LAST Name <u>R.B.</u> <del>Detaria</del> <u>BETELIA</u>	
	RESIDENCE & CITIZENSHIP	City San Jose	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	3157 Hawcrest Drive	City San Jose	State or Country California	Zip Code 95135
INVENTOR'S SIGNATURE <u>R. B. Rainier</u>			DATE <u>12/12/00</u>		

202	FULL NAME OF INVENTOR	FIRST Name Edward	MIDDLE Initial <u>12/14/00</u> <u>M ENG</u>	LAST Name Gillis	
	RESIDENCE & CITIZENSHIP	City <u>Cupertino</u> <del>Mountain View</del> <u>Eng</u>	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	<del>970 Mountain View Drive</del> <u>1702 Stanford Dr.</u>	City <u>Cupertino</u> <del>Mountain View</del> <u>Eng</u>	State or Country <u>12/14/00</u> California <u>Eng</u>	Zip Code <del>94014</del> <u>95014</u>
INVENTOR'S SIGNATURE <u>Edward M. Gillis</u>			DATE <u>12/14/00</u>		

203	FULL NAME OF INVENTOR	FIRST Name Jonathan	MIDDLE Initial M.	LAST Name Rourke	
	RESIDENCE & CITIZENSHIP	City Los Altos	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	2185 Chuleta	City Los Altos	State or Country California	Zip Code 94024
INVENTOR'S SIGNATURE <u>Jonathan Rourke</u>			DATE <u>11 DEC 00</u>		

204	FULL NAME OF INVENTOR	FIRST Name Yi	MIDDLE Initial	LAST Name Yang	
	RESIDENCE & CITIZENSHIP	City San Francisco	State or Foreign Country California	Country of Citizenship United States	
	POST OFFICE ADDRESS	2394 45th Avenue	City San Francisco	State or Country California	Zip Code 94116
INVENTOR'S SIGNATURE <u>Yi Yang</u>			DATE <u>DEC. 11, 2000</u>		

# RECORDATION FORM COVER SHEET PATENTS ONLY

MAR 05 2001 DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Docket No. 249/056

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Ranier Betelia, Edward Gillis, Jonathan M. Rourke, and Yi Yang</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party: Name: <u>Endotex Interventional Systems, Inc.</u></p> <p>Internal Address: _____</p>
<p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: <u>December 12, 2000 &amp; December 14, 2000</u></p>	<p>City: <u>Cupertino</u> State: <u>CA</u> Zip: <u>95014</u></p> <p>Street Address: _____</p> <p>City: <u>Cupertino</u> State: <u>CA</u> Zip: <u>95014</u></p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s):	B. Patent No(s):
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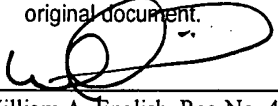
Additional numbers attached? ☐ Yes ☒ No

<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: _____</p> <p>Internal Address: <u>LYON &amp; LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u></p>	<p>6. Total number of applications and patents involved: <u>one</u></p> <p>7. Total fee (37 CFR 3.41): \$ 40.00 <input checked="" type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required</p> <p>8. Deposit Account Number: <u>12-2475</u></p>
---	--

## DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

 Date: December 27, 2000

William A. English, Reg No. 42,515

Total number of pages including cover sheet: 4

OMB No. 0651-0011 (exp. 4/94)

**Do not detach this portion**

Mail documents to be recorded with required cover sheet information to:

**Director — U.S. Patent and Trademark Office**

**Box Assignments**

**Washington, D.C. 20231**

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503